

Application Serial No. 10/786,790
Reply to Office Action of September 17, 2009

PATENT
Docket: CU-3608

REMARKS

In the Office Action, dated September 17, 2009, the Examiner states that Claims 5 and 22-27 are pending and rejected. By the present Amendment, Applicant amends the claims.

Rejections under 35 U.S.C. §103(a)

Claims 5 and 22-27 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kobayashi et al. (EP 0 932 081) in view of Yoichi et al. (JP 2000-053421). Applicant respectfully disagrees with and traverses this rejection.

Applicant respectfully asserts that Kobayashi et al. merely discloses to mix the photocatalyst, alkyl silicate, and fluoroalkylsilane, and is completely silent as to the mixing order of these three components, such as whether to mix them all together, etc. Further, although Yoichi et al. discusses mixing titanium oxide and alkyl silicate to make the resultant neutral, it is completely silent as to the mixing order of these three: titanium oxide, alkyl silicate, and fluoroalkylsilane.

In other words, in mixing three substances of titanium oxide, alkyl silicate, and fluoroalkylsilane, Yoichi is totally silent regarding the method of mixing titanium oxide and alkyl silicate in advance and then mixing fluoroalkylsilane into the resultant. Moreover, in mixing fluoroalkylsilane to the resultant, Yoichi is silent about adjusting the pH of the solution of hydrolyzed fluoroalkylsilane in advance to 5 to 7.

Accordingly, the present invention should not be found obvious just because Yoichi discusses mixing titanium oxide and alkyl silicate to make the neutral resultant.

To support a *prima facie* case of obviousness, the Office Action must establish "a finding that the prior art included each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference." Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103 in view of *KSR International Co. v. Teleflex Inc.*, 72 Fed. Reg. 57,526 (Oct. 10, 2007). Since the prior art does not teach or suggest each and every feature or step of the presently claimed method, Applicant respectfully asserts that a *prima facie* case of obviousness cannot presently be established.

Since independent Claim 5 is allowable over the prior art, Applicant asserts

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that all claims depending therefrom are allowable for at least the same reasons, as well as for the features that they recite. As such, Applicant respectfully requests withdrawal of the present rejection under 35 U.S.C. §103(a).

In light of the foregoing response, all the outstanding objections and rejections are considered overcome. Applicant respectfully submits that this application should now be in condition for allowance and respectfully requests favorable consideration.

February 16, 2010
Date

Respectfully submitted,



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